

SUPREME COURT OF WISCONSIN

OFFICE OF LAWYER REGULATION

Public Reprimand with Consent

Atty. Scott F. Anderson

04-OLR-5

This reprimand is based upon Atty. Scott F. Anderson's misconduct in three matters.

In the first matter, Anderson agreed to represent a couple in pursuing a personal injury action against police. Anderson made initial efforts to pursue the matter and assured the couple that he would file suit. However, once the couple moved out of state, Anderson did not pursue the claim further and did not respond to their telephone calls seeking information. Anderson's failure to communicate with his clients violated SCR 20:1.4(a). Anderson decided that there was an insufficient basis to pursue the claim, but failed to inform his clients of his opinion. The clients did not learn that Anderson would not be filing suit until after the statute of limitations had run. Anderson's conduct constituted neglect in violation of SCR 20:1.3. Further, Anderson's failure to advise his clients of his legal opinion that their case lacked merit so that they had the opportunity to seek other counsel or pursue the matter *pro se* violated SCR 20:1.4(b) in that Anderson failed to explain the matter to the extent necessary to permit his clients to make informed decision regarding the representation.

In the second matter, Anderson represented a client in a personal injury action to recover damages suffered as a result of an attack by a dog. The suit was filed in Georgia, where the incident occurred. The Georgia court admitted Anderson to practice before it for the client's case. Anderson failed to timely respond to discovery requests and, as a result, was ordered by the court to retain local counsel. Anderson did not comply with the court's order. Based upon Anderson's failure to comply with its order to associate with local counsel, the court removed Anderson as attorney for the plaintiff and dismissed the claim against one of the defendants, without prejudice. Anderson's conduct constituted neglect in violation of SCR 20:1.3 and failure to obey an obligation under the rules of a tribunal, in violation of SCR 20:3.4(c).

In the third matter, the State Public Defender (SPD) appointed Anderson to represent a man in an appeal of his probation revocation. Anderson filed a writ of certiorari in circuit court. The court established a briefing schedule. When his brief was due, Anderson requested an extension of time to file, but then failed to meet the deadline. The State moved to dismiss for lack of prosecution. Anderson did not file a response to the State's motion. The court granted the motion and dismissed the writ. Anderson's failure to file the brief and failure to respond to the State's motion constituted a lack of diligence in violation of SCR 20:1.3. Anderson did not inform his client of the dismissal or respond to the client's requests for information regarding the status of the writ. When the client learned that the writ had been dismissed, he requested that Anderson return the revocation hearing transcript to him. Anderson did not respond to the client, but turned his file over to the SPD. Anderson's failure to communicate with his client and respond to his requests for information violated SCR 20:1.4(a).

Anderson received a private reprimand in August of 1999 for similar misconduct. The reprimand resulted from Anderson's neglect of a client's false imprisonment claim. Anderson failed to file suit in the matter and did not inform his client that no lawsuit had been filed.

In accordance with SCR 22.09(3), Atty. Scott F. Anderson is hereby publicly reprimanded.

Dated this 5th day of June, 2004.

SUPREME COURT OF WISCONSIN

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KATHLEEN CALLAN BRADY, REFEREE
REFEREE